SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

The Safety Advisory and Transportation Committee Meeting was held on February 23, 2011 at 5:00 p.m. with Chairwoman Williams presiding. Members present were Mrs. Russell (arrived at 5:07 p.m.), Mr. Bonar, Mr. Davis, and Mr. Harmon (arrived at 5:24 p.m.). Mr. Ruane was also present.

AGENDA ADDITIONS/DELETIONS

Mr. Davis moved for approval of the agenda, seconded by Mr. Bonar and unanimously carried.

Request for Waiver of Land Subdivision Regulations - Reduction of Street Right-of-Way Width - Dover High School Project (South Side of Forrest Avenue)

Mrs. Dawn Melson-Williams, Principal Planner, reviewed a street waiver request for the reduction of street right-of-way from sixty (60) feet to fifty (50) feet (Land Subdivision Regulations, Article VI.A.13) for construction of the new Dover High School. She advised members that the project is located on four (4) parcels of land totaling $106.5222^{+/-}$ acres and is zoned R-10 (One Family Residence Zone) and subject to the COZ-1 (Corridor Overlay Zone). Mrs. Melson-Williams noted that the subject property is located on the south side of Forrest Avenue (DE Route 8) approximately 1,500 feet west of Mifflin Road and the owner of record is Capital School District. She noted that the Conditional Use and Site Development Master Plan are for the construction and use of a three (3) story 315,000 S.F. school with associated parking, roadways, stormwater management, landscaping, sports fields, stadium, and other site improvements. Mrs. Melson-Williams stated that the overall Site Development Master Plan for the New Dover High School includes the layout of the proposed buildings, parking lots, sports fields, and the associated transportation network to access the site and internal circulation of the site.

Mrs. Melson-Williams advised members that during the applicant's presentation to the Planning Commission at their December 20, 2010 meeting, members were provided information on ongoing discussions regarding shared infrastructure improvements between the Capital School District and the adjoining developer (Leander Lakes, LLC) for the Leander Lakes Apartments project (a development to be located to the west of the school property). Exhibits were reviewed showing proposals for the right-of-way, construction of the western entrance access road, and the connection to Tribbitt Street, which will serve both the school and the residential project. She noted that negotiations on the infrastructure are continuing. Mrs. Melson-Williams reviewed information regarding the Transportation and Circulation Network for the new Dover High School project, which is associated with consideration of the waiver request for a reduction in street right-of-way width.

Mrs. Melson-Williams advised members that the Planning Commission reviewed the proposed street waiver request as part of its review of the Conditional Use/Site Development Master Plan for the new Dover High School. The Planning Commission granted conditional approval to the Conditional Use/Site Development Master Plan and to a series of waivers and considerations, including the reduction of the required street right-of-way width from sixty (60) feet to fifty (50) feet for portions of the proposed streets in the southwest area of the property, including the interconnection to Tribbitt Street. She indicated that, as part of the motion for conditional approval, the Planning Commission also adopted comments and recommendations from the Development Advisory Committee (DAC) Report. It was noted that comments and recommendations from multiple departments or agencies may be associated with the development of streets.

In response to Mrs. Williams, Mrs. Melson-Williams stated that the school is being designed to accommodate an overall count of 1,800 students.

Referring to the proposed ingress and egress for this property, Mr. Bonar expressed his desire for a roadway width of no less than 28 feet in order for a 110 foot aerial apparatus to access the high school to protect it against fire. In addition, he strongly urged signalization at both proposed intersections at the new high school along Forrest Avenue/Route 8.

Responding to Mr. Ruane, Mrs. Melson-Williams stated that the reduction in the street right-of-way width would not create a reduction in the paved width of the street.

Several members questioned why the applicant or engineers were not in attendance to explain the need for the waiver and address concerns of members. Responding, Mrs. Melson-Williams stated that the engineers were unable to attend since they were making a presentation at the Planning Commission Quarterly Workshop, which was running concurrently with the Safety Advisory and Transportation Committee meeting.

Mr. Davis relayed concern with any reduction due to potential bicycle and pedestrian traffic in the area. In addition, he stated that if there is a connector road between Forrest Avenue and Hazletteville Road, Amish horses and buggies will also be using the roadway.

Mrs. Melson-Williams explained that if a regional connector between Rt. 8 and Hazletteville Road is constructed in the future, the right-of-way and segment of road involved would probably be enlarged. However, she indicated that the waiver is being requested at this time due to the proposed time frame for construction of the school, which has a scheduled opening date of 2014.

Mr. Gary Laing, Community Relations Officer and Public Relations Liaison for the Delaware Department of Transportation (DelDOT), reminded members that there was previous discussion regarding vehicle connectivity from the Village of Westover. Responding, Mrs. Melson-Williams stated that there is a street stub from Westover to its north property line with a terminus of Worchester Drive. She indicated this is planned for a pedestrian/bicycle connection to the site but will not convey vehicular traffic.

Responding to Mrs. Williams, Mrs. Melson-Williams confirmed that the proposed opening for the new high school is in 2014; however, it is anticipated that the first phases of major utility work will begin during the summer of 2011.

Mr. Davis moved to recommend that this request be referred back to the Planning Commission for further study and clarification of the following: actual reasons for narrowing the roadway to fifty (50) feet, a deeper look into pedestrian and bicycle traffic and ingress and egress to the school, and serious consideration of a roadway through the farmland preservation property of Papen Farms to Hazletteville Road. The motion was seconded by Mr. Bonar.

In regards to the roadway through the farmland preservation property to Hazletteville Road, Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that she attended a meeting with DelDOT on February 22, 2011 and was assured that this road would not be completed in the near future. She stated that DelDOT has not added any new projects to the Capital Transportation Program due to funding issues and that DelDOT was very clear that the City should not anticipate this project coming to fruition anytime soon.

In light of this information, Mrs. Williams suggested that the school district meet with DelDOT to develop a good, practical plan for an interconnection roadway to Hazletteville Road and that the motion be amended accordingly. There were no objections from the maker or seconder of the motion.

The motion recommending that this request be referred back to the Planning Commission for further study and clarification of the following: actual reasons for narrowing the roadway to 50 feet, a deeper look into pedestrian and bicycle traffic and ingress and egress to the school, and serious consideration of developing a good, practical plan for a roadway to Hazletteville Road was carried by a unanimous roll call vote.

Discussion - Crossover Bridge for Pedestrian at the New Dover High School

At the request of Mr. Davis, members were provided detailed information regarding a 40-foot pedestrian bridge for possible construction at the new Dover High School site. Under the premise that there will be signalization at both the eastern and western ends of the new Dover High School site, Mr. Davis noted that a development is located across Route 8 and that, although an additional traffic signal could be installed at Cranberry Run, as an alternative, consideration could be given to an overhead walkway. He advised members that a similar bridge, which crossed over five (5) lanes of traffic, was built in a town in Pennsylvania approximately four (4) to five (5) years ago at a cost of $1.3M. Although he acknowledged that funding must be considered regarding this matter, he suggested that members consider the safety and traffic issues involved.

In regards to the costs, Mr. Bonar advised members that the economic impact of one (1) fatal accident is approximately $900,000. It was his opinion that the construction of pedestrian overpasses should be considered for several major roadways.

Mr. Gary Laing, Community Relations Officer and Public Relations Liaison for the Delaware Department of Transportation (DelDOT), noted that the example provided appears to be located in a more urban setting than the proposed new Dover High School. He advised members that a pedestrian overpass has been placed across College Avenue in Newark; however, getting individuals to use the structure has been problematic. Mr. Laing noted that a wall was constructed at the College Avenue bridge to prevent pedestrians from crossing by other means. He questioned where a crossover bridge could be located if this option was chosen for the new school. In addition, Mr. Laing advised members that the minimum clearance required for a pedestrian bridge is 17’6” in height. For each foot in height, in order to be compliant with the Americans with Disabilities Act (ADA), he indicated that either ramps or an elevator would be required and stated that there is no area available to accommodate the length of ramp needed.

Mr. Davis noted that the crossover in Pennsylvania is located in a rural setting, not urban, with sidewalks on the north side. He stated that the pedestrian ramp curls around rather than extending in a linear fashion. Responding, Mr. Laing stated that, because of the degree of angle that would be required, regardless of the manner in which the ramp would be constructed, the area needed for the ramp would be substantial. As an alternative, he stated an elevator could be installed; however, this would create issues with maintenance, security, safety, etc. In addition, he noted that a pedestrian bridge would require maintenance to keep it free of trash, debris, and snow.

Responding to Mrs. Williams, Mr. Laing stated that his understanding was that "cork-screw" ramps are not ADA compliant.

Mr. Davis questioned how the children who live on the north side of Forrest Avenue/Route 8 will cross the street if the overpass is not built and who would be responsible for their safety.

Mr. Bonar suggested that the Capital School District be requested to make a presentation to address some of these concerns.

Mrs. Townshend advised members that all of the concerns relayed by members have been discussed before the Planning Commission. She noted that the Planning Commission required that the School District connect into Tribbitt Street, at the rear of Cannon Mill, which connects to the Village of Westover, to provide relief for the approximately 900 dwelling units.

Responding to Mrs. Williams, Mrs. Townshend stated that the design of the street network in the Village of Cannon Mill is not conducive to cut-through traffic. Disagreeing, Mr. Bonar noted an increase in vehicular traffic in Woodcrest as a result of students attending Dover High School.

After much discussion, it was the consensus of members that staff should invite the Capital School District to attend the next Committee meeting to discuss these issues further.

Briefing on Delaware Department of Transportation (DelDOT) Projects - *Gary Laing*

Mr. Gary Laing, Community Relations Officer and Public Relations Liaison for the Delaware Department of Transportation (DelDOT), provided a briefing on DelDOT projects, as follows:

West Dover Connector

Mr. Laing reminded members that DelDOT held a workshop regarding the West Dover Connector in September 2010, at which time DelDOT presented the preferred alternative for the location of the connector. He noted that the workshop was well attended. Mr. Laing stated that Phase 1 of the archeology research, which consists of researching historic properties in the area of the connector, will begin soon and that Phase 2 field work should follow in the Spring of 2011. He stated that DelDOT is working on preparing environmental assessments, as directed by the Federal Highway Administration (FHA) and the assessment will be reviewed by the State Historic Preservation Office, and FHA. He indicated that survey plans are being compiled and preliminary plans should be

completed later in the year, semi-final construction and right-of-way plans are targeted to be completed in approximately one (1) year, and the final right-of-way will be determined in July 2012, followed by the real estate acquisition process. As reflected in the Community Transportation Plan, Mr. Laing stated that construction is scheduled for 2014 through 2016.

Responding to Mr. Mark Brata, representing Eden Hill Commercial, Mr. Laing stated that no specific date or further details were provided by the project manager regarding preliminary plans for the project.

South Governors Avenue Improvements

Mr. Laing reported that the South Governors Avenue Improvements have been substantially completed, with the exception of some "punch list" items to be completed or repaired by the contractor. He anticipated that these items will be addressed once the weather permits.

Water Street Railroad Crossover

Mr. Laing advised members that there is no new information to report on the Water Street Railroad Crossover, explaining that this is a long-term project with a substantial amount of preliminary work required.

Wyoming Mill Road Project

Mr. Laing advised members that a construction contract was awarded to Diamond Materials, LLC for the Wyoming Mill Road Project. He stated that advanced utility work is underway and construction is scheduled to begin in the Spring of 2011, with a completion date anticipated in the fall.

Transit Center

Mr. Laing stated that a meeting was held with potential bidders for construction of the Transit Center. Certain submissions must be reviewed by DelDOT and, once completed, DelDOT will announce the awarding of the contract and work will begin on Phase 2 of the project.

Briefing on Dover/Kent County Metropolitan Planning Organization (MPO) Projects - *Juanita Wieczoreck*

Ms. Juanita Wieczoreck, Executive Director of the Dover/Kent County Metropolitan Planning Organization (MPO), stated that the most significant project for the MPO is the Dover Transit Center Neighborhood Plan. She stated that MPO has been making presentations in an effort to obtain support from various organizations. It was noted that a presentation of the Dover Transit Center Neighborhood Plan and Design Book was provided to City Council during their Regular Meeting of February 14, 2011.

Referring to the executive summary of the Dover Transit Center Neighborhood Plan and Design Book, Ms. Wieczoreck noted that the purpose of the Plan and Design guidelines is to provide the City of Dover with a design and planning strategy to guide development around the new Transit Center site and provide a very specific understanding of what the City could realize for this area.

Ms. Wieczoreck stated that the MPO is beginning to develop their annual work program and requested ideas from the City.

Responding to Mr. Ruane, Ms. Wieczoreck stated that the MPO has been working on a regional bike plan and anticipates a presentation to the Committee once it has been finalized. She indicated that Mr. Michael Albert, Planner II, represents the City of Dover on this committee.

Mr. Ruane requested that Mr. Albert make a presentation to the Committee regarding the proposed Bike Plan to obtain recommendations from members.

Proposed Ordinance #2011-06 Amending Chapter 46 - Fire Prevention and Protection - Open Burning

Mr. David Truax, Fire Marshal, reviewed Proposed Ordinance #2011-06, and advised members that the Ordinance would enhance the safety of commercial and recreational barbecuing and control and maintain the proper use of open burning. He explained that the proposed amendment would expand the present open burning ordinance to better define open burning and barbecuing; more clearly define where and how open burning and barbecuing are permitted; and better address the use of outdoor portable fireplaces. Mr. Truax stated that the draft ordinance depicts additions in blue text and deletions in red strike-outs and advised members that the proposed ordinance has been reviewed by the Deputy City Solicitor.

Mrs. Williams read into the record a statement in support of the ordinance provided by Ms. Rita Kropiewnicki (***Attachment #1***).

Mr. Bonar stated his experience with Wesley College students who have had open pit fires burn late into the evening and early morning.

Mr. Bonar moved to recommend adoption of Proposed Ordinance #2011-06 (*Attachment #2*), seconded by Mr. Davis and unanimously carried.

Mr. Bonar moved for adjournment, seconded by Mr. Harmon and unanimously carried.

Meeting Adjourned at 6:38 P.M.

Respectfully submitted,

Beverly C. Williams
Chairwoman

BCW/JS/jg/ac/dd/tm
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Attachment
Attachment #1 - Statement by Ms. Rita Kropiewnicki
Attachment #2 - Ordinance #2011-06 - Chapter 46 - Fire Prevention and Protection - Open Burning

Safety Advisory and Transportation Committee Meeting

February 23, 2011

Request to Enter Statement Into the Record:

On February 23, 2011, the Clerk's Office received a call from Ms. Rita Kropiewnicki, 155 Blue Beach Drive, who stated she was unable to attend the Safety Advisory and Transportation Committee meeting but requested that it be entered into the record that she favors Proposed Ordinance #2011-06. Ms. Kropiewnicki explained that, during the Summer of 2010, her home became filled with the odor of smoke, which she discovered was emanating from a large, open pit fire at a nearby residence. She noted that her doors and windows were closed and her air conditioning was running at the time. She was particularly concerned because her granddaughter, who has breathing problems, was visiting. Ms. Kropiewnicki stated that the fire burned for many hours, and at 12:00 a.m. she summoned the police, who came to her residence. However, they informed her that there was nothing that could be done because the City had no ordinance to regulate hours when open burning would be permitted. She stated that the fire continued to burn until approximately 3:00 a.m.

Ms. Kropiewnicki voiced her concerns regarding this incident to Councilman Ruane, who stated he would inquire further into this matter. She expressed her gratitude to Mr. Ruane for initiating this Code amendment and reiterated that she strongly favors Ordinance #2011-06 because she feels unregulated open burning presents a hazard to City residents.

CITY OF DOVER PROPOSED ORDINANCE #2011-06

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Chapter 46 - Fire Prevention and Protection, Article I - In General, Section 46-5 - Open Burning, be amended by inserting the text indicated in bold, blue, italics and deleting the text indicated in red strikeout as follows:

Sec. 46-5. Open burning.

~~**In residential multiple occupancy structures containing three or more dwelling units, including but not limited to apartment houses, dormitories, roominghouses, and condominium buildings, the open burning of any type shall be prohibited, except when permitted by the fire marshal. The use of charcoal or gas-fired grills, burners, or cookers shall be prohibited on balconies or within ten feet of the multiple occupancy structure.**~~

(a) Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Barbecuing - Commercial. The preparation and cooking of food by way of gas grill, charcoal grill, or other apparatus used for the cooking of food by way of flame produced through wood, charcoal, or gas for the purpose of cooking food for the sale to and/or consumption by the general public.

Barbecuing - Recreational. The preparation and cooking of food by way of gas grill, charcoal grill, or other apparatus used for the cooking of food by way of flame produced through wood, charcoal, or gas for the purpose of cooking food for the consumption by a family and/or guests or by the membership of a private organization or church congregation.

Open Burning. The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber.

Outdoor Fireplace. Any homemade or commercially produced fireplace, fire pit, or fire ring used for the kindling of wood.

(b) Permit required. Open burning of structures, brush, or bonfires shall not be permitted without a permit obtained from the Fire Marshal.

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(c) Fire dimensions. Open burning, when permitted, shall be kindled in such a manner as not to be a danger to other campers, recreational vehicles, tents, or structures and shall not be of a size greater than 18 inches by 18 inches by 18 inches. Height of the fire shall be measured from the ground or from the bottom of the inside of the container being used to kindle the fire. Open burning shall not be kindled directly on the ground unless contained in a fire ring.

(d) Fire clearances and time restrictions. Outdoor fireplaces shall have 36 inches clearance from all combustibles when in use. Portable fire places, fire pits, or fire rings shall be extinguished in a residential area between the hours of 12:00 midnight and 8:00 a.m.

(e) Commercial barbecuing. Commercial barbecuing shall be permitted under the following conditions:

(1) The location has been approved by City of Dover Licensing and Inspections and the Fire Marshal and an Outdoor Public Gathering Permit has been obtained.

(2) One (1) fire extinguisher of not less than five (5) lbs. (pounds) ABC is to be located within ten (10) feet of the cooking area. Cooking area and cooking fuels shall be secured from public access.

(3) Approval from the Board of Public Health has been obtained.

(4) The operator shall make all reasonable attempts to avoid causing a nuisance to nearby property owners with smoke, fumes, or sparks.

(5) All compressed flammable gas containers used for cooking shall be secured in such a way as to prevent them from being knocked, tipped, or blown over.

Any commercial barbecuing operations which are a continual nuisance because of smoke, fumes, or sparks shall be terminated by the Code Official or Fire Marshal and the Outdoor Public Gathering Permit revoked until such time as the Director of Licensing and Inspections is satisfied that the problem has been corrected.

Barbecuing of any kind shall not be kindled within 200 feet of any fuel pump or storage tank fill. Cooking grease shall not be disposed of by placing it directly on the ground or in storm water drains.

(f) Prohibited - Multi-family residential dwelling units. In apartment buildings, condominiums, or any other multi-family residential dwelling of three (3) or more units by any other name, the storage of propane tanks inside units or on balconies is prohibited. Recreational barbecuing shall be prohibited on any balcony or under any overhanging portion or within 15 feet of any structure, except that the use of electrical ranges or electrical grills shall be permitted. The use of outdoor fireplaces on balconies is prohibited.

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(g) Fines. Any owner, occupant, contractor, or body corporate found to be in violation of this section shall be issued a summons as provided for in Appendix F--Fees and Fines.

(h) Authority of the Fire Marshal. The Fire Marshal is authorized to impose a ban on open burning if weather conditions do not safely permit open burning. The Fire Marshal or Fire Officer shall order any fire extinguished that is deemed unsafe or not in compliance with Section 46-5 of the Dover Code.

ADOPTED: *

SYNOPSIS

To enhance the safety of commercial and recreational barbecuing and to control and maintain the proper use of open burning.

Actions History

March 14, 2011 - Scheduled for First Reading

February 23, 2011 - Scheduled for Consideration by the Safety Advisory and Transportation Committee

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